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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3734 OF 2007

Rajan Gunwant sanghani .. Applicant

V/s

The State of Maharashtra .. Respondent

Mr.Hemant Kenjalkar with Mr.P.Y. Shankar for the applicant.

Mr.D.P. Adsule, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 22ND NOVEMBER 2007

P.C. :

1. Heard learned counsel for the applicant and the learned A.P.P.

2. The applicant has been arrested in connection with Crime No.92/2007 by the Khalapur Police Station for the offence punishable under sections 395, 412 read with 34 of I.P.C.

3. The case of the prosectuion in short is that one Munawwar Mohamed Yunus Shaikh along with others committed a dacoity in the premises of M/s Bravo Health

Care situated at Mauje-Umbre, District Khalapur and took away certain medicines in powder form. Some of the medicines, which were so removed, were sold to the present applicant. Shaikh was arrested and he offered to show the goods in respect of the committed dacoity. Shaikh has stated that he sold the goods to Sanghani and showed the premises where Sanghani had allegedly stored the goods. The goods were accordingly seized under a panchanama. The applicant is stated to have received the goods which form the subject matter of the dacoity / theft.

4. Learned A.P.P. on instructions of Mr.Sheetal Kumar V. Raut, Investigating Officer, who is presnet in Court, states that in the recovery panchanama, the goods are stated to have been recovered as shown by Shaikh. It is not shown that the goods were in possession of Sanghani and/or were recovered from Sanghani under a panchanama. In the circumstances, taking an overall view of the matter, the present applicant is entitled to bail.

5. The applicant had previously made an application for bail bearing Criminal Misc. Application No.1084 of 2007 before the Court of Sessions. However, at that time, investigation was not complete and was in progress. The bail application was therefore rejected.

Learned A.P.P. states that the investigation is still not complete. It is the case of the prosecution that the entire goods, which form the subject matter of the dacoity, were not sold to Sanghani, but only some of the medicines were sold. Therefore, the investigation should go on in respect of the remaining goods. So far as Sanghani is concerned, the investigation appears to have been completed. As stated earlier, prima facie, it is doubtful whether the goods have been recovered from Sanghani. In the circumstances, the applicant is entitled to bail. I accordingly pass the following order:-

ORDER

(1) The applicant be released on bail on executing a P.R. bond in the sum of Rs.50,000/- with one or two sureties in the aggregate of the like amount, subject to the following conditions.

(a) The applicant shall not make any inducement or threats to any of the prosecution witnesses.

(b) The applicant shall cooperate with the investigation and shall attend the police station as and when required by the police.

(D.G. KARNIK, J.)